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CONCORD, N.H.

Mr. Roy E. Batchelder, Secretary
New Hampshire Milk Control Board
State House
Concord, New Hampshire

Dear Mr. Batchelder:

In your letter of January 16, 1958, you inquire as to whether the Milk Control Board can legally classify skimmed milk sold for human consumption and buttermilk as Class I milk and fix the minimum price that distributors pay to producers for these two grades without fixing the minimum price that distributors charge consumers for the same. Our answer to this question is in the negative.

As I believe you indicated to me over the telephone, I believe you recognize that this is essentially the same question which you asked former Assistant Attorney General Arthur E. Bean, Jr., in your letter of December 13, 1955, and which he answered in the negative in his letter of December 15, 1955. At that time your inquiry was as to whether the Board could fix the price paid to producers by distributors generally without fixing the price charged consumers by distributors generally. Your inquiry at this time simply refers to two of the different grades or classes of milk instead of to milk generally.

RSA 183:8 authorizes the Board to accept established and defined classes and grades of milk or to establish and define such classes and grades, and further directs the Board to specify to what classes or grades the prices fixed pursuant to RSA 183:7 shall apply. Therefore, the Board can legally classify skimmed milk sold for human consumption and buttermilk as Class I milk but if this is done the Board must fix both the price paid to producers by distributors and the price charged consumers by distributors for the reason stated in Mr. Bean's letter of December 15, 1955.

Sincerely yours,

John J. Zimmerman
Assistant Attorney General

JJZ/lt